

78A-6-1301. Competency to proceed.

(1) Whenever a petition is filed alleging that a minor has committed an act that would be a crime if committed by an adult, a motion for an inquiry into the minor's competency may be filed. The motion shall be filed in the juvenile court where the petition is pending.

(2) The motion shall contain:

(a) a certificate that it is filed in good faith and on reasonable grounds to believe the minor is not competent to proceed;

(b) a recital of the facts, observations, and conversations with the minor that have formed the basis for the motion; and

(c) if filed by defense counsel, the motion shall contain information that can be revealed without invading the lawyer-client privilege.

(3) The motion may be based upon knowledge or information and belief and may be filed by:

(a) the minor alleged not competent to proceed;

(b) any person acting on the minor's behalf;

(c) the prosecuting attorney;

(d) the guardian ad litem; or

(e) any person having custody or supervision over the minor.

(4) The court in which a petition is pending may raise the issue of a minor's competency at any time. If raised by the court, counsel for each party shall be permitted to address the issue of competency.

Enacted by Chapter 316, 2012 General Session